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UNCLAS SECTION 01 OF 02 CHENNAI 000609

SIPDIS

SENSITIVE BUT UNCLASSIFIED

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SUBJECT: SLOW PROGRESS ON BONDED LABOR IN TAMIL NADU

REF: 00 CHENNAI 01411

1. (U) SUMMARY: Although the government of Tamil Nadu acknowledges the problem of bonded labor and has done more to address the issue than other Indian states, progress on its elimination in the state has been slow. Enforcement of laws against the practice has been inconsistent due to competing priorities and a view that the issue is more a social than a criminal matter. END SUMMARY

BACKGROUND ON BONDED LABOR

2. (U) Estimates of bonded laborers in Tamil Nadu range from 25,000 to one million. The 25,000 figure is an estimate from the Tamil Nadu Special Officer for Release and Rehabilitation of Bonded Labor and the one million figure is from a two-member commission, appointed by the Supreme Court in 1995 to study the issue. The NGO Human Rights Watch recently seconded the one million figure. The Bonded Labor System (Abolition) Act of 1976, a national law, defines bonded labor as a system "under which the debtor or his descendants or dependents have to work for the creditor without reasonable wages or with no wages at all in order to extinguish the debt." The Act makes the practice illegal and establishes punishment for employers of bonded labor of up to three years in jail and a fine of 2,000 Rupees (roughly 44 USD). Enforcement of the law, however, has been weak.

PROTESTS AND A PUBLIC HEARING ON RICE MILL BONDED LABORERS

3. (U) With the help of the labor union Sarpam, hundreds of rice mill workers in the Red Hills area of north Chennai staged a demonstration in September 2004 to protest unhygienic working conditions and limited access to basic amenities in the workplace. The laborers complained that they earned 15 rupees a day (about 34 cents) for working a 19-hour day processing rice. This compares with 85 rupees (approximately 1.88 USD) for an eight-hour day as required by minimum wage provisions. One of the laborers told reporters, "If one demanded a wage increase, he would be abused if not assaulted."

4. (U) At the request of the NGO, "Women's Struggle Committee," the former Chairperson of the National Commission for Women (NCW), Poornima Advani, and the former Chairperson of the Tamil Nadu State Commission for Women (TNSCW), Vasanthi Devi, held a public hearing on bonded labor in the rice mills in October 2004 at Red Hills in the Thiruvallur district of Tamil Nadu. About 500 bonded laborers appeared at the hearing and nine women, two men and nine children victims provided testimony. Eight other victims filed written affidavits. They told the panel that about 10,000 bonded laborers in the rice mills in Red Hills lacked basic needs such as drinking water, lights and toilets.

SOME LIMITED PROGRESS FOLLOWS

5. (U) The outcome of the protests and subsequent public hearing was a reaffirmation by government officials that appropriate bonded labor and minimum wage laws exist and that enforcement is the responsibility of the district collectors. In a follow-up conversation after the hearings, the Thiruvallur Revenue Divisional Officer told Pol FSN that his district has prosecuted 15 rice mill owners and registered 248 rice mills under the Factory Act that ensures a minimum wage and other facility minimum standards. Authorities fined each of the employers at these rice mills 2,000 rupees (about 44 USD) and each served one day in jail. The Women's Struggle Committee told Post recently that the rice mills registered under the Factory Act were now paying the required minimum wage, but paying it for 12 hours of work rather than the lawful eight hours.

NGOS ARE ACTIVE PARTICIPANTS IN FIGHTING BONDED LABOR

16. (U) Local NGOs have been active in combating bonded labor. International Justice Mission (IJM) seeks to address the problem by taking legal action on behalf of bonded laborers and against employers. Working with district collectors, they have organized a series of "raids" on rice mills. Since the demonstration in 2004, IJM has successfully released 35 bonded labor families from the rice mills. Another NGO, the Women's Struggle Committee, seeks to establish alternative work and housing arrangements for former bonded laborers to prevent a return to a life of bonded labor following release. Geetha Ramakrishna, advisor to the Women's Struggle Committee, told Post, "It's a vicious circle. The lack of regulatory mechanisms and alternate jobs often compel workers to go back to bondage." The INDUS Project, a cooperative project effort of the U.S. Department of Labor, the International Labor Organization and the Government of India seeks to combat child labor in Tamil Nadu and other Indian states. Many of the children assisted by the project are bonded laborers.

INEFFECTIVE ENFORCEMENT SLOWS PROGRESS

17. (U) Although the law provides for penalties for employers of bonded labor, employers are rarely prosecuted. District collectors who are responsible for enforcement often have more fundamental law and order concerns that they consider to be higher priorities. Government, law enforcement and even public attitudes toward bonded labor are also an issue. John Richmond, Director of IJM, told post that the practice of bonded labor is "not culturally unacceptable" in south India. As an example, in the case of the rice mills in Tiruvallur, district administration played the role of a mediator between the owners and the laborers rather than treating the employment of bonded labor as a criminal offense as required by the law. In general, Tamil Nadu's bonded labor program is focused on release and rehabilitation of bonded labor rather than prosecution of employers. The penalty of 2,000 rupees and one day in jail that was assessed on the Red Hills rice mills owners suggests a reluctance take strong action against the employers of bonded labor who are often important local figures and well connected politically.

18. (SBU) COMMENT: Tamil Nadu was a pioneer state in seeking to abolish bonded labor. The state conducted the first-ever systematic survey of bonded labor and under the leadership of an aggressive Special Commissioner for Bonded Labor, P.W.C. Davidar, made good initial progress before Davidar's departure from the position. But more recently, lax enforcement of laws prohibiting the practice has resulted in only slow additional progress. Social activists claim that the state government and district administration become involved only when the issue becomes politicized as it did after the protests and subsequent hearing in the Red Hills area outside Chennai. NGOs are playing a useful role in addressing the problem but real and permanent progress in eliminating the practice of bonded labor will come only when the attitude and actions of district collectors change. END COMMENT.

HAYNES